Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 12 noon, on Wednesday the 15th September 1897. / 1st Kanni 1073.

PRESENT.

The Dewan ... ... *Presiding.*

M. R. Ry. K. Krishnaswamy Rao Avergal, Dewan Bahadur., F. M. U.
M. R. Ry. V. Nagam Aiya Avergal, B. A., B. L.
M. R. Ry. P. Thanu Pillai Avergal, M. A.
Mr. I. H. Prince.
M. R. Ry. K. P. Sankara Menon Avergal, B. A., B. L.
M. R. Ry. E. Ramier Avergal.
Mr. K. K. Kuruvila, B. C. E.

THE GAME PRESERVATION BILL.

Section 4.

Mr. Thanu Pillai.—Before going into Committee I wish, with the President's permission, to proceed with the amendments to the Game Bill of which I have given notice. My first amendment is "Omit section 4." I would briefly explain my reasons for proposing this amendment—especially at this stage. The Council is aware that the Bill is an adaptation of the Madras Act II of 1879 (The Nilgiris Game Preservation Act). The latter Act contains no provision relating to licensing of sport. At the instance of the Nilgiris Game Association, the question of amending that Act was considered by the Madras Government in 1890 and an Amendment Bill was prepared and published in the Fort St. George Gazette. The Bill contained a provision corresponding to that in section 4 of our Bill. The India Government, however, strongly objected to that provision on the ground that it would convert the Bill from a measure for the protection of wild animals into a measure for the protection of private property in game and that it was opposed to the general policy followed by that Government. In deference to the above views the Madras Government abandoned the Bill. The Nilgiris Game Association again brought to the notice of Government the necessity for amending Act II of 1879 and strongly urged that the Act would be inoperative without provisions relating to license. In reference to the latter proposal, the Madras Government observed:—"His Excellency in Council is unable to accept the Committee's suggestion that it should be made legally incumbent on all persons, wishing to shoot on any public waste land, to take out a license, as the Government of India has already on several occasions vetoed similar proposals" A Bill was however ordered to be prepared amending Act II so as to extend it to the whole of the Nilgiris District; but it was subsequently abandoned, Government concurring with the view expressed by the Revenue Board that the rules under the Forest Act were far-reaching and that an amendment of the Game Act was not called for. Similar rules, I may observe, could be passed under sections 21 and 22 of our Forest Regulation. The Council will thus see that the question of embodying in the Game Law provisions relating to license has received full consideration and my amendment is in conformity with the conclusion arrived at and acted upon in British India. It may perhaps be said that my argument proves too much and that the considerations above indicated would justify the withdrawal of the Bill. This aspect underwent full discussion both in the Select Committee and the Council. Mr. Bonsley who was in charge of the Bill and who has considerable experience of the part of the country to which this Bill relates and is himself, I believe, a good sportsman, urged that, in order to make the restraints on the indiscriminate slaughter of animals really effectual, it was necessary to empower private individuals too to arrest the offenders under certain conditions as, having regard to the very limited number of Police men and other Government servants on the Hills, the law would otherwise be a dead letter. This is a power which is not contem-

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plated in the Forest Regulation and has to be conferred by a new enactment; so while retaining the Bill, section 4 which relates to the granting of licenses may, I think, be dropped.

Seconded by Mr. Ramier.

Mr. Prince.—

I would oppose the amendment to omit section 4 providing for the obtaining of licenses to shoot. It seems to me that the objection that this section is likely to harass the ryot in protecting his holding from the ravages of wild animals, is little more than a sentiment. Within the tract to which this Regulation will extend there are very few ryots who have holdings except European Planters and the chief cultivation that is likely to be had within this tract, at any rate for many years to come, is and will be that of the European Planters and they, instead of objecting to this clause, are clamouring for its insertion in the Bill. I am aware that the Government of India take exception to the clause and that they took exception to a similar clause proposed to be inserted in the Act now in force in the Nilgiri Hills. There is no one in this Council more ready and willing than myself to pay deference to the suggestions that may be made to us by the Government of India but I think it will be conceded here that the circumstances of the two places are wholly different. Within the tract to be protected by the British Act, viz, the tract on the Nilgiri Hills, there are numerous ryots, other than European Planters, to whom such a clause, however desirable, (and it is not denied that in the interests of the preservation of game such a clause is desirable) would mean great hardship; but, as I said before, these conditions do not exist here. The only class of people we have here are the Kanikars; but their holdings would not lie within the tract to be preserved. It is true that in the recent rules prescribed for the preservation of game in Kashmir we find no similar clause, but there are among those rules provisions containing penal clauses which are of a more stringent nature, and I find that, notwithstanding such stringent clauses, there are many able to speak with some authority on the subject, who are pressing for the insertion of such a clause in the rules for the protection of game in Kashmir. I note that the "Pioneer," in a leading article on the subject of "Sport in Kashmir," in its columns of the 23rd June last, in referring to the views of one of its correspondents also published in the same issue, says:— "What he and others advocate is the introduction of the license system which is in "force under varying conditions all over Canada, in Newfoundland and in several "of the American States. That system, it may be observed, has been effectual in "protecting the elephants of Ceylon, while it has admitted the continuance of shooting, and it is also in force as regards elephant shooting in German East Africa. "A person who intends to shoot has to take out a license, and in that license he is "restricted to killing so many head of the particular kind of game to which it "applies. Besides the actual limitation to the number of the game killed, which "the authorities under this provision are able to adjust according to circumstances, "its introduction assists preservation indirectly in two ways. One portsman "rather than come to the end of his time without getting his full number, will shoot "two or three moderate animals, and thus some of the best are left to continue the "stock, while another more fastidious for first-rate trophies will continue to work "for them to the last, and if he meets with bad luck, will come away without having "made the bag permitted by his license. The question of fee is of course a matter "of detail." * * * "There would be no reason "for making it more than a trifling one at first, and it could always be raised if the "limitation as to the number of animals did not prove sufficient to keep the game "from decreasing. But we confess that we should like to see a provision borrowed "from America and a high differential rate charged on licenses taken out by non-"resident sportsmen. The practice is universal in Canada and America, and is "beginning to be introduced into Africa, where civilized administrations are being "established." I would, therefore, rather than omit the section altogether, suggest that license system be retained, but reduce the fee to be paid on such licenses to a mere nominal figure, in the case of persons (if any) to whom the payment for a license would be a hardship.

Mr. Thanu Pillai.—I may be permitted to make one or two remarks. The Council, I know, is unanimous as regards the necessity of protecting game from the slaughter to which they are now exposed. No body doubts the importance of preserving

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the magnificent *fauna* of Travancore. The position advanced is merely this:—that so far as the present Bill is concerned the provisions about licenses need not find a place in it, the Forest Regulation containing the needful remedy. Under this Regulation rules may be passed which would be quite sufficient to secure the efficient protection of game. Indeed, barring the solitary provision about empowering private individuals to make arrests, the Forest Regulation is far more comprehensive and elastic in respect of matters connected with game than the Bill in its present shape.

The motion was put and carried by majority, all except Mr. Prince being in favor of it.

Section 3.

Mr. Thanu Pillai.—I have an amendment in section 3. Add after the word 'hereto' in para 1 'or any female, or immature male of bison (*Bos gaurus*) and ibex (*Hemitragus hylocrius*) at any time', converting the full stop after 'hereto' into a comma. These two species of game are particularly valuable and should, I am told, have special protection.

Seconded by Mr. Prince.

Carried.

Section 5.

Mr. Thanu Pillai.—In section 5, line 1, I would omit the words 'or servant' as being superfluous. I would also substitute for the words 'if there is reason to doubt the accuracy of the name and address so given to take him to the nearest Police station' the words 'if he refuses to give his name and address, or gives a name and address which such officer, owner, or manager has reason to believe to be false, he may be required by such officer, owner or manager to accompany him to the nearest Police station.' The reason is obvious enough. The contingency contemplated is more fully stated and the intention more clearly brought out that no force should be employed.

Seconded by Mr. Prince.

Carried.

Mr. Thanu Pillai.—I would also add an Explanation to section 5, thus:—

'A Government officer means and includes all servants of Government employed in the Revenue, Forest, Cardamom, Police and Magisterial Departments'. Without such a limitation the expression 'any Government officer' is extremely vague. It may include a Proverthy school-master or an itinerant vaccinator! The Explanation confines the power to the class of servants whose duties lie more or less in that direction.

Seconded by Mr. Sankara Menon.

Carried.

Section 6 and Schedule.

Mr. Thanu Pillai.—The two remaining amendments are merely consequential on the omission of section 4 about licenses, viz.—

(i) In section 6, omit the following words after the word 'months': 'and it shall be competent * * * again' and convert the semicolon after the word 'months' into a full stop.

(ii) Omit schedule No. III.

Seconded by Mr. Nagam Aiya.

Carried.

Mr. Thanu Pillai.—I beg to move that the Bill as now amended be passed by the Council.

The motion was put and agreed to.

The Council then resumed the consideration of the Wills Bill in Committee.

The Council adjourned at 4-30 P. M.

SHUNGRASOOBYER,
President.

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